



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,551	09/27/2001	Hiroki Hachiyama	60188-099	8913
7590	01/09/2006		EXAMINER	
Jack Q. Lever, Jr. McDERMOTT, WILL & EMERY 600 Thirteenth Street, N.W. Washington, DC 20005-3096			THOMPSON, JAMES A	
		ART UNIT	PAPER NUMBER	2624

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.	Applicant(s)	
09/963,551	HACHIYAMA ET AL.	
Examiner	Art Unit	
James A. Thompson	2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) They raise the issue of new matter (see NOTE below);
 - (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. Applicant's reply has overcome the following rejection(s): rejection of claims 5-6 under 35 USC §112, 1st paragraph.
 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 2-4 and 6-9.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. Other: _____.

DETAILED ACTION

Response to Amendment

1. The proposed amendments to the claims simply cancel one claim and amend another to avoid any problems relating to dependency. Thus, the **proposed amendments to the claims are entered**. Since claim 5 has been canceled, the rejection of claims 5-6 under 35 USC §112, 1st paragraph, listed in the previous office action dated 18 September 2005 and mailed 27 September 2005, is rendered moot, and is thus withdrawn. Furthermore, the rejection of claim 5 under 35 USC §102(b) listed in said previous office action is rendered moot, and is thus withdrawn. All other rejections remain as set forth in said previous office.

Response to Arguments

2. Applicant's arguments filed 27 December 2005 have been fully considered but they are not persuasive.

Regarding page 5, lines 7-10: Although no substantive attempt has been made by Applicant to traverse the rejection of claims 5-6 under 35 USC §112, 1st paragraph, said rejection has been rendered moot by Applicant's cancelation of claim 5 and amendment of claim 6 to depend from claim 2.

Regarding page 5, line 12 to page 7, line 13: Firstly, Examiner has not correlated the "storage medium" of claim 2 with the "image buffer" taught by Kuchta (US Patent 5,164,831). Examiner has correlated the "display memory" recited in claim 2 with the "image buffer" taught by Kuchta (figure 1A(18) of Kuchta) (see page 6, lines 13-15 and page 6, line 27 to page 7, line 3 of said previous office action). The "image memory"

Art Unit: 2624

recited in claim 2 is correlated with the portion of the "memory card" taught by Kuchta (figure 1A(24) of Kuchta) that is used to store the initial image data (see page 6, lines 11-13 of said previous office action). Since the "interface" recited in claim 2 corresponds to the "connector" taught by Kuchta (figure 1A(26) of Kuchta), the "storage medium" then clearly refers to the portion of the "memory card" taught by Kuchta (figure 1(24) of Kuchta) used to store the compressed image data (column 4, lines 53-58 of Kuchta). Examiner writes in said previous office action:

"an interface (figure 1A(26) of Kuchta) for recording the compressed image data, which has once been stored on the image memory, on a storage medium (column 3, lines 56-58 of Kuchta), wherein while image data corresponding to a series of images which are captured consecutively by the imager is transferred from the image memory to the storage medium (figure 1 (18) and column 4, lines 47-50 of Kuchta) while the series of images is presented on the display (column 4, lines 53-58 and lines 66-68 of Kuchta)." [see page 6, lines 19-27 of said previous office action]

The "connector" of Kuchta is used to send the compressed signals to the "memory card" of Kuchta (column 4, lines 5-8 of Kuchta), so the "storage medium" recited in claim 2 clearly does not correspond to the "image buffer" taught by Kuchta, but instead corresponds to a portion of the "memory card" taught by Kuchta used to store the compressed image data (column 4, lines 53-58 of Kuchta). The cites of figure 1(18) and column 4, lines 47-50 of Kuchta simply demonstrate that the compressed data that is sent to the "storage medium" (portion of the "memory card" taught by Kuchta) (column 4, lines 53-58 of Kuchta) is indeed sent while the series of images is presented on the display (column 4, lines 47-50 and lines 66-68 of Kuchta). Thus, the

Art Unit: 2624

portions of Kuchta cited above fully teach the limitations in question.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

30 December 2005

THOMAS A.
~~THOMAS A.~~
JAMES A. THOMPSON
EXAMINER